

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 229

To authorize the Secretary of Agriculture and the Secretary of the Interior to declare that a forest health emergency exists on Federal lands under their jurisdiction, to carry out accelerated forest health improvement programs to prevent further forest damage and reduce the risk of disaster wildfires on these lands, and to implement management strategies designed to produce sustained, diverse, and healthy forest ecosystems on these lands.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. LAROCO introduced the following bill; which was referred to the  
Committees on Agriculture and Natural Resources

AUGUST 9, 1993

Additional sponsors: Mr. SWIFT, Mr. NEAL of Massachusetts, Mr. DOOLEY, Mr. DEFazio, Mr. HERGER, Mrs. MINK, Mr. MURPHY, Mr. RICHARDSON, Mr. KOPETSKI, Mr. ABERCROMBIE, Mrs. UNSOELD, Mr. ORTON, Mr. LEHMAN, Mr. LEWIS of Georgia, Mr. BILBRAY, Mr. RAHALL, Mr. HASTINGS, Mr. SWETT, and Mrs. THURMAN

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## A BILL

To authorize the Secretary of Agriculture and the Secretary of the Interior to declare that a forest health emergency exists on Federal lands under their jurisdiction, to carry out accelerated forest health improvement programs to prevent further forest damage and reduce the risk of disaster wildfires on these lands, and to implement management strategies designed to produce sustained, diverse, and healthy forest ecosystems on these lands.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
 5       “National Forest Health Act”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
 7       this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Forest health emergencies.
- Sec. 5. Forest health improvement programs.
- Sec. 6. Forest health improvement projects.
- Sec. 7. Analysis and review of projects.
- Sec. 8. Administrative and judicial review.
- Sec. 9. Lands excluded from treatment under a program.
- Sec. 10. Annual forest health report.
- Sec. 11. National Commission on Wildfire Disasters.
- Sec. 12. Authorization of appropriations.

8       **SEC. 2. FINDINGS AND PURPOSES.**

9       (a) FINDINGS.—The Congress finds the following:

10       (1) Forest health emergencies currently exist on  
 11       many Federal forest lands that—

12       (A) have substantial areas of dead and  
 13       dying trees as a result of drought, insect infes-  
 14       tations, disease, fire, windstorm, or other  
 15       causes; or

16       (B) are at high risk of extreme damage  
 17       from drought, insect infestations, disease, fire,  
 18       or windstorm as a result of forest conditions  
 19       that are outside the natural range of variability  
 20       for the forest site involved.

1           (2) There are many complex causes for these  
2 forest health emergencies, including historic and re-  
3 cent forest management methods, fire suppression  
4 policies, forest-type changes, and climate trends,  
5 such as the prolonged drought of the 1980's and the  
6 exceptionally severe drought experienced in 1992.

7           (3) When forest health emergencies exist and  
8 are allowed to spread, substantial economic losses  
9 are sustained by Federal, State, and local govern-  
10 ments and individuals through the loss of timber,  
11 watershed quality and performance, recreational op-  
12 portunities, and fishery and wildlife habitat.

13           (4) Federal forest lands subject to a forest  
14 health emergency, if properly thinned or otherwise  
15 treated to reduce unnatural levels of dry fuel, will  
16 have a better chance of resisting insect and disease  
17 epidemics, as well as being able to tolerate both pre-  
18 scribed fire and occasional wildfires.

19           (5) The removal of dead, dying, and excess live  
20 trees on Federal forest lands subject to a forest  
21 health emergency, if done expeditiously and with  
22 sensitivity to the need to retain some dead wood to  
23 help provide stand structure for multi-resource val-  
24 ues, can begin the forest health restoration process,  
25 retain the commercial value of timber, provide jobs

1 and economic activity in forest-related communities,  
2 produce revenues for the local, State, and Federal  
3 governments, and help assure long-term forest  
4 health and productivity.

5 (6) The current programs of the Federal land  
6 management agencies are not able to respond rap-  
7 idly and fully enough to meet the greatly increasing  
8 forest health emergencies occurring on many Federal  
9 forest lands, and an expedited forest health improve-  
10 ment program, over a period of several years, is es-  
11 sential in order to restore forest health, reduce the  
12 risk of disaster wildfires, prevent future forest health  
13 emergencies, assure a healthy and productive forest  
14 that can be sustained in the future, and reduce the  
15 risk of financial loss to the United States Treasury,  
16 State and local governments, and private citizens.

17 (7) In the case of many of these forest health  
18 emergencies, a long-term concerted effort will be re-  
19 quired to control a forest health emergency, correct  
20 unhealthy conditions, and monitor future progress  
21 once desired conditions are achieved.

22 (8) The Bureau of Land Management of the  
23 Department of Interior has no statutory provisions  
24 or procedures for the maintenance of forest health  
25 on Federal forest lands under the its jurisdiction,

1 and such provisions are necessary to authorize the  
2 Bureau of Land Management to expend receipts  
3 from the sale of salvage timber or other salvaged  
4 forest products for the purpose of restoring and  
5 maintaining future forest health on such lands.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to provide a mechanism by which the Forest  
8 Service and the Bureau of Land Management can  
9 expeditiously address forest health emergencies ex-  
10 isting on Federal forest lands and carry out an ac-  
11 celerated forest health improvement program for  
12 these forests;

13 (2) to encourage accelerated forest management  
14 actions that improve the health of Federal forest  
15 lands subject to a forest health emergency and en-  
16 hance the ability to manage these forests as thriving  
17 ecosystems to serve a wide range of future uses;

18 (3) to provide flexibility during a forest health  
19 emergency to combine timber sale, salvage sale, tim-  
20 ber stand improvement, reforestation, fuels manage-  
21 ment, insect and disease control, and other author-  
22 ized activities into coordinated forest health improve-  
23 ment projects that carry out both product and non-  
24 product related management actions focused on im-

1       proving forest health and creating resilient, produc-  
2       tive forest ecosystems;

3           (4) to establish expedited review and decision  
4       making on the management actions needed to imple-  
5       ment a forest health improvement program in a  
6       manner consistent with applicable forest manage-  
7       ment plans and in compliance with the National En-  
8       vironmental Policy Act of 1969 (42 U.S.C. 43211 et  
9       seq.), the Endangered Species Act of 1973 (16  
10      U.S.C. 1531 et seq.), the Clean Water Act (33  
11      U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C.  
12      7401 et seq.), and other environmental laws;

13          (5) to broaden the study and reporting mandate  
14      of the National Commission on Wildfire Disasters  
15      and improve the funding for the Commission; and

16          (6) to provide for an annual report from the  
17      Secretary of Agriculture and the Secretary of Inte-  
18      rior to the Congress on the health of the nation's  
19      forests, including information about the progress of  
20      addressing the serious health problems of those Fed-  
21      eral forest lands subject to a forest health emer-  
22      gency.

23   **SEC. 3. DEFINITIONS.**

24      For purposes of this Act:

25          (1) The term “Federal forest lands” means—

1 (A) those lands included in the National  
2 Forest System (as defined in section 11(a) of  
3 the Forest and Rangeland Renewable Resources  
4 Planning Act of 1974 (16 U.S.C. 1609(a)); and

5 (B) the public lands (as defined in section  
6 103(e) of the Federal Land Policy and Manage-  
7 ment Act of 1976 (43 U.S.C. 1702(e)).

8 (2) The term “Secretary concerned” means—

9 (A) the Secretary of Agriculture, in the  
10 case of Federal forest lands described in para-  
11 graph (1)(A); and

12 (B) the Secretary of the Interior, in the  
13 case of Federal forest lands described in para-  
14 graph (1)(B).

15 (3) The term “Federal land management agen-  
16 cy” means—

17 (A) the Forest Service, in the case of Fed-  
18 eral forest lands described in paragraph (1)(A);  
19 and

20 (B) the Bureau of Land Management, in  
21 the case of Federal forest lands described in  
22 paragraph (1)(B).

23 (4) The term “disaster wildfire” means  
24 wildfires that, because of size, location, difficulty of  
25 control, watershed sensitivity, or other characteris-

1       tics, pose a significant threat to human life or devel-  
2       opment in or near Federal forest lands or threaten  
3       long-term sustainability of healthy forest stands.

4           (5) The term “forest health” means the condi-  
5       tion of the forest in terms of its capacity to tolerate  
6       natural and human influences (such as insects, dis-  
7       eases, atmospheric deposition, silvicultural practices,  
8       harvesting practices, and wildfire) within the natural  
9       range of variability for the ecological system involved  
10      and the desired range of ecological variability for the  
11      land use in and around the forest unit.

12          (6) The term “program” means a forest health  
13      improvement program prepared by a Federal land  
14      management agency under section 5.

15          (7) The term “project” means a forest health  
16      improvement project developed under section 6.

17          (8) The term “land management plan”  
18      means—

19           (A) a land and resource management plan  
20      prepared by the Forest Service pursuant to sec-  
21      tion 6 of the Forest and Rangeland Renewable  
22      Resources Planning Act of 1974 (16 U.S.C.  
23      1604) for Federal forest lands described in  
24      paragraph (1)(A) or, if a final plan is not in ef-  
25      fect, the draft final plan for such lands; or



1 (B) a land use plan prepared by the Bu-  
2 reau of Land Management pursuant to section  
3 202 of the Federal Land Policy and Manage-  
4 ment Act of 1976 (43 U.S.C. 1712), or other  
5 plan currently in effect, for Federal forest lands  
6 described in paragraph (1)(B).

7 (9) The term “pest” means any organism  
8 whose presence at current or foreseeable population  
9 levels threatens the potential for restoration or  
10 maintenance of acceptable forest health conditions.

11 **SEC. 4. FOREST HEALTH EMERGENCIES.**

12 (a) DECLARATION OF EMERGENCY FOR LANDS SUB-  
13 JECT TO UNACCEPTABLE HEALTH CONDITIONS.—The  
14 Secretary concerned may declare a forest health emer-  
15 gency to exist with respect to a unit or portion of a unit  
16 of Federal forest lands if the Secretary concerned finds  
17 that at least one of the following unacceptable forest  
18 health conditions exist on such lands:

19 (1) Forests on such lands have experienced sub-  
20 stantial disturbances, such as disaster wildfires or  
21 pest epidemics, that have caused total or near-total  
22 stand mortality, but timely restoration work would  
23 speed up the landscape’s ability to initiate an early  
24 seral-stage forest within the natural or desired range  
25 of variability, while inaction would result in further

1 environmental degradation, such as soil erosion or  
2 stream damage, or an unacceptable period of time  
3 for regeneration and the related succession of plant  
4 and animal communities native or adapted to the  
5 site.

6 (2) Forest structure, function, or composition  
7 on such lands has been altered outside of the natural  
8 or desired range of variability for the forest system  
9 involved, due to a combination of human and natural  
10 factors, and management intervention is necessary  
11 to reduce the risk of pest epidemics that would ex-  
12 ploit the unnatural forest conditions.

13 (3) Significant economic and ecosystem values  
14 or components are being lost or are at risk of being  
15 lost on such lands due to increased potential of dis-  
16 aster wildfire, pest invasion, or other natural or cul-  
17 tural process.

18 (b) CONSULTATION WITH GOVERNOR AND PUBLIC  
19 COMMENT.—

20 (1) CONSULTATION.—Before declaring a forest  
21 health emergency under subsection (a), the Sec-  
22 retary concerned shall consult with the Governor of  
23 each State in which Federal forest lands proposed to  
24 be subject to the declaration are situated.

1           (2) PUBLIC NOTICE.—The Secretary concerned  
2       shall provide public notice whenever Federal forest  
3       lands are proposed to be subject to a declaration of  
4       a forest health emergency under subsection (a). The  
5       notice shall identify the Federal forest lands involved  
6       and provide the reasons for the declaration.

7       (c) DURATION OF EMERGENCY.—A declaration of a  
8       forest health emergency under subsection (a) shall expire  
9       at the end of the five-year period beginning on the date  
10      of the declaration. The Secretary concerned may establish  
11      a shorter period for the duration of a declaration of a for-  
12      est health emergency with respect to all or a portion of  
13      the Federal forest lands subject to the declaration after  
14      taking into consideration—

15           (1) the estimated number of years that forest  
16      improvement will be required in order to restore  
17      processes and conditions favorable to forest health;

18           (2) existing and predicted constraints in Fed-  
19      eral budgets, local labor or other capacity, or other  
20      factors that may establish limits as to how fast the  
21      treatment program can restore forest health; and

22           (3) existing or predicted conditions that could  
23      create natural forces that would either mitigate or  
24      accelerate the deterioration of forest health condi-  
25      tions in the forest.

1 (d) CANCELLATION OR EXTENSION OF EMER-  
2 GENCY.—

3 (1) CANCELLATION.—The Secretary concerned  
4 may cancel a declaration of a forest health emer-  
5 gency made under subsection (a) if the Secretary de-  
6 termines that the conditions creating the original  
7 forest health emergency have been mitigated, either  
8 by natural events or as a result of management and  
9 treatment.

10 (2) EXTENSION.—If the Secretary concerned  
11 determines that unacceptable forest health condi-  
12 tions on Federal forest lands persist for any reason  
13 after the expiration of a forest health emergency  
14 with respect to those lands, the Secretary may rees-  
15 tablish a forest health emergency in the manner pro-  
16 vided in this section.

17 (e) INCLUSION OF OTHER LANDS.—

18 (1) NON-FEDERAL LANDS.—At the request of  
19 the Governor of the affected State, the Secretary of  
20 Agriculture may include non-Federal lands within  
21 the area subject to a declaration of a forest health  
22 emergency made by the Secretary of Agriculture  
23 under subsection (a). Non-Federal lands subject to  
24 such a declaration shall be eligible to receive such  
25 federal assistance for forest health improvement as

1 the Secretary of Agriculture may develop using the  
2 combined authorities available in the State and Pri-  
3 vate Cooperative Forestry Program.

4 (2) OTHER FEDERAL LANDS.—At the request  
5 of the head of a Federal agency, the Secretary of  
6 Agriculture may include Federal lands administered  
7 by that agency within the area subject to a declara-  
8 tion of a forest health emergency made by the Sec-  
9 retary of Agriculture under subsection (a).

10 **SEC. 5. FOREST HEALTH IMPROVEMENT PROGRAMS.**

11 (a) PROGRAM DEVELOPMENT.—Upon the declaration  
12 by the Secretary concerned of a forest health emergency  
13 under section (4)(a), the responsible Federal land manage-  
14 ment agency shall develop a forest health improvement  
15 program designed to restore the forest health of the forest  
16 lands subject to the declaration.

17 (b) PROGRAM CONTENT.—

18 (1) IN GENERAL.—A forest health improvement  
19 program shall be based upon an assessment of forest  
20 health conditions of the forest lands subject to the  
21 declaration of a forest health emergency. The pro-  
22 gram shall contain—

23 (A) a scientific description of the forest  
24 health conditions for the forest units involved,  
25 an assessment of how such conditions relate to

1 the natural and desired range of forest health  
2 conditions for such sites, and the forest health  
3 restoration objectives and general treatment  
4 prescriptions that may be needed to restore for-  
5 est health;

6 (B) identification of areas where current  
7 conditions pose a high risk of future forest  
8 health problems, and the preventive treatment  
9 prescriptions that are recommended to reduce  
10 the risk of unacceptable future forest health  
11 conditions on these sites; and

12 (C) a description of the technical and cost-  
13 sharing assistance to non-Federal land owners  
14 that the Secretary of Agriculture has deter-  
15 mined are available to assist non-Federal own-  
16 ers in restoring forest health on non-Federal  
17 lands; and

18 (D) a monitoring component sufficient to  
19 indicate whether the effects of treatment are as  
20 expected and whether desired results of the pro-  
21 gram are being achieved during the implemen-  
22 tation of such program.

23 (2) RESULTS OF MONITORING COMPONENT.—

24 The results and reports from the monitoring compo-  
25 nent required under paragraph (1)(D) shall be made

1 available to the public through the Forest Super-  
2 visor's office or administrative unit office of the Bu-  
3 reau of Land Management involved. The Secretary  
4 of Agriculture shall also include the results and re-  
5 ports from the monitoring component in the forest  
6 health report prepared annually under section 10.

7 (c) SCIENTIFIC INPUT AND PUBLIC COMMENT.—

8 (1) SCIENTIFIC INPUT.—The responsible Fed-  
9 eral land management agency shall solicit the input  
10 of scientific experts knowledgeable about the  
11 ecosystems in the area covered by the forest health  
12 emergency to assist in developing the forest health  
13 improvement program. These experts may include  
14 representatives of private institutions and State and  
15 Federal agencies with research, resource manage-  
16 ment or regulatory responsibilities in the area cov-  
17 ered by the forest health emergency. Comments and  
18 input from outside agencies, institutions, and indi-  
19 viduals shall be made available in a timely manner  
20 by the responsible Federal agency for public review.

21 (2) PUBLIC COMMENT.—During the develop-  
22 ment of a program under subsection (a), the respon-  
23 sible Federal land management agency shall provide  
24 a 60-day period for interested persons to submit

1 written data, views, or arguments with respect to the  
2 proposed program.

3 (d) REVIEW FOR CONSISTENCY WITH LAND MAN-  
4 AGEMENT PLAN.—If a proposed program, or a portion of  
5 the program, is not consistent with the long-term manage-  
6 ment goals and objectives of the applicable land manage-  
7 ment plan, but otherwise complies with the Endangered  
8 Species Act of 1973 (16 U.S.C. 1531 et seq.), the Clean  
9 Water Act (33 U.S.C. 1251 et seq.), the Clean Air Act  
10 (42 U.S.C. 7401 et seq.), and other applicable laws, the  
11 Secretary concerned shall propose the program or the in-  
12 consistent portion of the program as the basis for an  
13 amendment to the applicable land management plan in ac-  
14 cordance with section 6(f)(4) of the Forest and Rangeland  
15 Renewable Resources Planning Act of 1974 (16 U.S.C.  
16 1604(f)(4)) or section 202 of the Federal Land Policy and  
17 Management Act of 1976 (43 U.S.C. 1712), whichever ap-  
18 plies. Any such amendment shall not constitute a revision  
19 under section 6 of the Forest and Rangeland Renewable  
20 Resources Planning Act of 1974 (16 U.S.C. 1604) or sec-  
21 tion 202 of the Federal Land Policy and Management Act  
22 of 1976 (43 U.S.C. 1712).

23 (e) MODIFICATION OF PROGRAM.—The Federal land  
24 management agency responsible for a program may mod-  
25 ify the program in light of changes in the forest health



1 of the Federal forest lands subject to the program. Any  
2 modification of a program shall be subject to subsections  
3 (c) and (d).

4 **SEC. 6. FOREST HEALTH IMPROVEMENT PROJECTS.**

5 (a) PROJECT DEVELOPMENT.—

6 (1) PROJECTS REQUIRED.—Upon the imple-  
7 mentation of a program developed under section 5  
8 for Federal forest lands, the Secretary concerned  
9 shall design and implement forest health improve-  
10 ment projects for such lands consistent with the ap-  
11 plicable program. The projects shall constitute man-  
12 agement decisions for the Federal forest lands cov-  
13 ered by the project.

14 (2) PROJECT PURPOSES.—Each project shall be  
15 designed to address specific site conditions with the  
16 combination of management practices, treatment,  
17 and protection needed to restore the forest back to  
18 a condition of acceptable forest health.

19 (3) ROLE OF SALES.—The sale of timber, bio-  
20 mass, or other products may occur as part of a  
21 project in order to help achieve the forest health  
22 goals of the project and to produce revenues to as-  
23 sist in supporting the cost of any non-commercial  
24 work needed to achieve the desired condition in the  
25 forest. However, sale volumes and revenues from a

1 project shall be secondary to the primary consider-  
2 ation of taking the necessary steps to enhance or re-  
3 store a healthy forest ecosystem. In cases in which  
4 the harvest of live trees is included as part of a  
5 project, the Secretary concerned shall explicitly ex-  
6 plain the reasons why such harvest will further the  
7 forest health purposes of this Act.

8 (b) MULTI-YEAR CONTRACTS.—In implementing  
9 projects, the Secretary concerned may enter into multi-  
10 year contracts, including service contracts, for cultural  
11 treatments of forest stands to achieve a defined forest  
12 health objective if the Secretary considers such a contract  
13 to be advantageous to the Federal Government.

14 (c) FUNDING OF FOREST SERVICE PROJECTS.—The  
15 Secretary of Agriculture may use amounts in the salvage  
16 sale fund authorized by section 14(h) of the National For-  
17 est Management Act of 1976 (16 U.S.C. 472a(h)) and in  
18 the fund established under the Act of June 9, 1930 (16  
19 U.S.C. 576 et seq.) (commonly known as the Knutson-Van-  
20 denberg Act) to carry out projects developed by the Sec-  
21 retary of Agriculture under subsection (a), including both  
22 product and non-product related cultural treatments.  
23 Funds derived from the sale of any products resulting  
24 from a project on Federal forest lands described in section  
25 3(1)(A) shall, after any payment to a State that may be

1 required under the Act of May 23, 1908, and section 13  
2 of the Act of March 1, 1911 (16 U.S.C. 500), be deposited  
3 in the salvage sale fund and used in the implementation  
4 of forest health projects on Federal forest lands described  
5 in section 3(1)(A).

6 (d) ESTABLISHMENT OF BLM REHABILITATION  
7 FUND.—

8 (1) ESTABLISHMENT.—The Secretary of the In-  
9 terior shall establish a special fund from the Federal  
10 share of moneys received from the disposal of sal-  
11 vage forest products or timber from Federal forest  
12 lands described in section 3(1)(B) pursuant to the  
13 Act of August 28, 1937 (Chapter 876, 50 Stat. 874;  
14 43 U.S.C. 1181a et seq.), the Act of May 24, 1939  
15 (Chapter 144, 53 Stat. 1181f–1 et seq.), the Act of  
16 July 31, 1947 (30 U.S.C. 601 et seq.), or this Act.

17 (2) USE OF FUND.—Amounts in the fund es-  
18 tablished under paragraph (1) shall be available to  
19 the Secretary of the Interior, without further appro-  
20 priation, for—

21 (A) planning and preparing salvage timber  
22 for disposal;

23 (B) the administration of timber sales pur-  
24 suant to this Act or other applicable law;

1           (C) subsequent site preparation, reforest-  
2           ation, and forest development activities required  
3           on the rehabilitated site; and

4           (D) activities prescribed to maintain  
5           healthy forest ecosystems, such as controlled  
6           burning, site preparation, tree planting, protec-  
7           tion of seedlings from animal and other envi-  
8           ronmental elements, release from competing  
9           vegetation, and precommercial thinning.

10       (e) MULTI-RESOURCE ELEMENTS.—The Secretary  
11       concerned shall include multiple-resource elements within  
12       projects developed under subsection (a) so that recreation,  
13       wildlife, watershed restoration, and other forest values are  
14       given appropriate consideration in efforts to restore forest  
15       health.

16       (f) EFFECT ON PROJECTS UNDERTAKEN UNDER  
17       OTHER LAWS.—Nothing in this Act shall be construed as  
18       preventing or limiting the Secretary concerned from un-  
19       dertaking any forest management project, including a tim-  
20       ber sale, salvage timber sale, prescribed burning, timber  
21       stand improvement, or insect or disease control, whether  
22       located within or outside of Federal forest lands to which  
23       a declaration of emergency made pursuant to section 4(a)  
24       or a program prepared pursuant to section 5(a) applies,  
25       if such project is authorized by a law other than this Act.

1 If the Secretary concerned elects to proceed with such  
2 project in accordance with the procedures and standards  
3 of such other law, within an area where a program pre-  
4 pared pursuant to section 5(a) is in full effect, such  
5 project shall be consistent with the purposes of this Act.

6 (g) PRIVATE LANDS.—Where non-Federal lands have  
7 been included within areas designated under section  
8 4(e)(1), the Secretary of Agriculture upon the request of  
9 the landowner shall provide technical and cost-sharing as-  
10 sistance in projects that are based on a forest management  
11 plan that is consistent with the objectives of the program  
12 developed under section 5.

13 **SEC. 7. ANALYSIS AND REVIEW OF PROJECTS.**

14 (a) METHOD FOR COMPLIANCE WITH NEPA.—In  
15 light of the emergency situation surrounding the declara-  
16 tion of a forest health emergency under section 4(a) and  
17 the need to implement the accelerated program of forest  
18 health improvement practices in a responsible and timely  
19 manner pursuant to this Act, the Secretary concerned  
20 shall comply with section 102(2) of the National Environ-  
21 mental Policy Act of 1969 (42 U.S.C. 4332(2)) in the  
22 manner provided in this section.

23 (b) CONSISTENT WITH LAND MANAGEMENT PLAN  
24 AND LAWS.—If a project developed under section 6 is con-  
25 sistent with the long-term management goals and objec-

1 tives of the applicable land management plan, complies  
2 with environmental laws, and requires documentation pur-  
3 suant to section 102(2) of the National Environmental  
4 Policy Act of 1969 (42 U.S.C. 4332(2)), the document  
5 required shall be an environmental assessment prepared  
6 pursuant to subparagraph (E) of such section 102(2).

7 (c) INCONSISTENT WITH LAND MANAGEMENT  
8 PLAN.—If a project developed under section 6 is not con-  
9 sistent with the long-term management goals and objec-  
10 tives of the applicable land management plan, but other-  
11 wise complies with environmental laws, the Secretary con-  
12 cerned shall propose the project as the basis for an amend-  
13 ment to the land management plan in accordance with sec-  
14 tion 6(f)(4) of the Forest and Rangeland Renewable Re-  
15 sources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or  
16 section 202 of the Federal Land Policy and Management  
17 Act of 1976 (43 U.S.C. 1712), whichever applies. Any  
18 such amendment shall not constitute a revision under sec-  
19 tion 6 of the Forest and Rangeland Renewable Resources  
20 Planning Act of 1974 (16 U.S.C. 1604) or section 202  
21 of the Federal Land Policy and Management Act of 1976  
22 (43 U.S.C. 1712).

23 (d) APPLICATION OF NEPA TO DECLARATIONS AND  
24 PROGRAMS.—The declaration of a forest health emergency  
25 under section 4(a), and the preparation of a forest health

1 improvement program, or any portion of a program, which  
2 the Secretary concerned determines under section 5(d) to  
3 be consistent with the long-term management goals and  
4 objectives of the applicable land management plan and to  
5 comply with environmental laws, shall not be subject to  
6 section 102(2) of the National Environmental Policy Act  
7 of 1969 (42 U.S.C. 4332(2)). Whenever the Secretary  
8 concerned offers a program or portion of a program as  
9 the basis for an amendment to a land management plan,  
10 as provided in section 5(d), the program or portion shall  
11 comply with such section 102(2) in the manner provided  
12 by regulation for preparation of amendments to land man-  
13 agement plans.

14 **SEC. 8. ADMINISTRATIVE AND JUDICIAL REVIEW.**

15 (a) EFFECT ON EXISTING LAW.—

16 (1) IN GENERAL.—Nothing in this Act shall  
17 alter the comment, administrative appeal, or judicial  
18 review rights and procedures provided by other laws  
19 and available to the public upon enactment of this  
20 Act concerning land management plans and actions.

21 (2) EFFECT OF NEW ADMINISTRATIVE  
22 STEPS.—The two new administrative steps estab-  
23 lished in sections 4 and 5 of this Act provide two  
24 new opportunities for public comment pursuant to  
25 sections 4(b) and 5(c), must be consistent with exist-

1 ing land management plans or be subject to the  
2 comment, administrative appeal, and judicial review  
3 rights and procedures provided by law and regula-  
4 tion for amendment and implementation of such  
5 plans, and do not constitute final decisions on the  
6 management of the Federal forest lands involved  
7 and therefore are not subject to additional adminis-  
8 trative review and are subject to judicial review pur-  
9 suant to subsection (b).

10 (b) JUDICIAL REVIEW.—

11 (1) IN GENERAL.—Judicial review of a project  
12 developed pursuant to section 6, any component of  
13 a forest health improvement program developed pur-  
14 suant to section 5 which relates specifically to such  
15 project, or the declaration of emergency made pursu-  
16 ant to section 4 as it relates specifically to the Fed-  
17 eral forest lands on which the project would occur  
18 may be sought in accordance with this subsection.

19 (2) TIME FOR FILING.—Any petition for judi-  
20 cial review under this subsection shall be filed within  
21 45 days after the date of the publication of the deci-  
22 sion document prepared with respect to the project,  
23 or the petition shall be barred.

24 (3) SUBSEQUENT APPEAL.—Any appeal from a  
25 final decision of the district court in a judicial review



1 proceeding under this subsection shall be filed within  
2 30 days after such final decision.

3 (4) SPECIAL PROCEDURES.—In order to ensure  
4 decisions are reached consistent with the time peri-  
5 ods specified in paragraph (5), the court may set  
6 rules governing the procedures of any judicial review  
7 proceeding under this subsection which set page lim-  
8 its on briefs and time limits on filing briefs and mo-  
9 tions and other actions which are shorter than the  
10 limits specified in the Federal rules of civil or appel-  
11 late procedure.

12 (5) RECOMMENDED TIME PERIOD FOR JUDG-  
13 MENT.—The courts shall expeditiously render their  
14 final decision in any judicial review proceeding under  
15 this subsection. The district court shall make every  
16 effort to render its final decision relative to any ac-  
17 tion within 60 days from the date such action is  
18 filed, and the court of appeals shall make every ef-  
19 fort to render its final decision relative to any appeal  
20 within 90 days from the date such appeal is filed.

21 (6) USE OF SPECIAL MASTER.—In order to  
22 promptly reach a decision in a case filed under this  
23 subsection, a district court may assign all or part of  
24 the case to one or more Special Masters for prompt  
25 review and recommendations to the court.

1 **SEC. 9. LANDS EXCLUDED FROM TREATMENT UNDER A**  
2 **PROGRAM.**

3 (a) EXCLUDED LANDS.—The Secretary concerned  
4 may not plan or implement a project under section 6 with  
5 respect to any Federal forest lands located in an area  
6 within the National Wilderness Preservation System, Re-  
7 search Natural Area, other area formally withdrawn from  
8 timber production by law, roadless area designated by  
9 Congress for wilderness study, or roadless area rec-  
10 ommended by the Forest Service or the Bureau of Land  
11 Management for wilderness.

12 (b) NO EFFECT ON WILDERNESS MANAGEMENT.—  
13 Nothing in this Act shall affect authorities for wilderness  
14 management granted to the Secretary concerned under  
15 provisions of existing law, such as the Wilderness Act of  
16 1964 (16 U.S.C. 1131 et seq.).

17 **SEC. 10. ANNUAL FOREST HEALTH REPORT.**

18 (a) REPORT REQUIRED.—The Secretary of Agri-  
19 culture, in consultation with the Secretary of the Interior,  
20 shall prepare an annual Forest Health Report to evaluate  
21 the overall health of forest lands in the United States.

22 (b) CONTENT OF REPORT.—Each report required by  
23 subsection (a) shall include the results of the long-term  
24 forest health monitoring program authorized by section 8  
25 of the Cooperative Forestry Assistance Act of 1978 (16  
26 U.S.C. 2104) in those States in which the monitoring pro-

1 gram has been implemented. The report shall also con-  
2 tain—

3           (1) quantitative and qualitative data on the  
4 health of Federal forest lands;

5           (2) a description of the actions taken during  
6 the period covered by the report within the Sec-  
7 retary's available funding and authorities (including  
8 reprogramming actions); and

9           (3) any additional funding needs and authori-  
10 ties necessary to restore the health of the forest eco-  
11 system.

12       (c) INFORMATION ON EMERGENCY PROGRAM.—Each  
13 report required by subsection (a) shall include information  
14 regarding the status of forest health improvement pro-  
15 grams developed under section 5. The report shall list all  
16 Federal forest lands subject to a declaration of forest  
17 health emergency, and the rationale for decisions made to  
18 include or exclude other lands during the period covered  
19 by the report. With respect to Federal forest lands covered  
20 by a program established pursuant to section 5, the report  
21 shall include—

22           (1) the current extent and status of the condi-  
23 tions and risks that provided the basis for the emer-  
24 gency inclusion;

1           (2) the improvement actions being taken to  
2       mitigate those conditions;

3           (3) the estimated impact, in terms of changed  
4       conditions or risks, resulting from the actions being  
5       taken;

6           (4) the acres treated to date relative to total  
7       acres planned and requiring treatment;

8           (5) funding needs in future years to satisfac-  
9       torily address the conditions; and

10          (6) additional authorities, if any, needed to  
11       carry out the purpose of this Act.

12       (d) SUBMISSION OF REPORT.—The report required  
13   by subsection (a) shall be completed not later than Decem-  
14   ber 31 of each year and shall cover conditions and activi-  
15   ties during the previous fiscal year. The Secretary of Agri-  
16   culture shall submit the report upon completion to the  
17   Committee on Agriculture and the Committee on Interior  
18   and Insular Affairs of the House of Representatives, and  
19   to the Committee on Agriculture, Nutrition, and Forestry  
20   and the Committee on Energy and Natural Resources of  
21   the Senate.

22   **SEC. 11. NATIONAL COMMISSION ON WILDFIRE DISASTERS.**

23       (a) EXTEND DEADLINE FOR REPORT.—Section  
24   103(c) of the Wildfire Disaster Recovery Act of 1989 (16

1 U.S.C. 551 note) is amended by striking “December 1,  
2 1991” and inserting “December 1, 1993”.

3 (b) ELEMENT OF STUDY.—Section 103 of such Act  
4 is amended by adding at the end the following new sub-  
5 section:

6 “(d) FOREST HEALTH MANAGEMENT.—In the study  
7 required by this section, the Commission shall also con-  
8 sider the potential costs and benefits of managing forest  
9 ecosystems for improved forest health as a means of re-  
10 ducing the risk of catastrophic wildfires while allowing in-  
11 creased usage of management tools, such as prescribed  
12 fire.”.

13 (c) FEDERAL FUNDING.—Section 105 of such Act is  
14 amended by striking subsection (b) and inserting the fol-  
15 lowing new subsection (b):

16 “(b) USE OF DEPARTMENT FUNDS.—Upon the ap-  
17 proval by the Secretary of Agriculture and the Secretary  
18 of the Interior of a plan of study and budget of the Com-  
19 mission, the Secretary of Agriculture may provide funds  
20 to the Commission from general operating funds of the  
21 Department of Agriculture and the Secretary of the Inte-  
22 rior may provide funds to the Commission from general  
23 operating funds of the Department of the Interior.”.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out the provisions of this  
4 Act.

○

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